THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15996 OF 1996

DATED:18-04-2006

-

Between:

Payam Narasaiah and others ..Petitioners

And

The Revenue Divisional Officer, Pinapaka Khammam District. and others ..Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15996 OF 1996

ORDER:

The petitioners, who are the residents of Katigudem Village, are aggrieved by the action of the second respondent in not implementing the directions issued by the first respondent. It is the case of the petitioners that the Tahasildar, Burgampad, assigned various extents of land to them by proceedings No.D.Dis.No.A6-1606/71, dated 31.12.1972, and that they have been cultivating the same. When there was interference from respondents 3 and 4, they filed a complaint before the Project Officer, I.T.D.A., Badrachalam. On the said representation, the first respondent issued directions to protect the interests of the Tribals if they are in possession of the Government land. In spite of the same, the Mandal Revenue Officer did not take any action. Therefore, the present Writ Petition is filed.

Respondents 3 and 4 filed a counter-affidavit. They allege that they are in possession of the land admeasuring Acs.10.00 in survey Nos.14, 32, 48 and 107 of Mothe Village, Pinapaka Mandal, Khammam District, for over 50 years and that the land assigned to the petitioners, totally admeasuring Acs.50.34 cents, is not the land which is in possession of respondents 3 and 4.

The pleadings of the rival parties would show that there is a dispute regarding the identity of the property, which is in possession of respondents 3 and 4. They allege

that as they have been in possession of the land for over 50 years, they cannot be evicted, unless and until, there is any violation by them with reference to the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. There is force in the submission. However, if respondents 3 and 4 tried to trespass into the land assigned to the petitioners in 1972, it is the duty of the second respondent to protect their possession as directed by the first respondent. This Court hastens to add that this action can be taken after conducting a proper enquiry by respondents 1 and 2 as to whether respondents 3 and 4 are in possession of the land, which was assigned to the petitioners in 1972.

For the above brief reasons, the Writ Petition is disposed of directing respondents 1 and 2 to conduct enquiry in the matter. If the land, which is in possession of respondents 3 and 4, is not other than the land assigned to the petitioners, the appropriate action may be initiated under Regulation No.I of 1959. No costs.

_____

(V.V.S.RAO, J)

18.04.2006

GJ